**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**ORDINARY ORIGINAL CIVIL JURISDICTION**

**SUIT No. 738 OF 1987**

The Board of Trustees
of the Port of Bombay ... Plaintiff

Vs,

Bharat Forge & Press
Industries Pvt. Ltd. ... Defendant

Ms. Dolly Katkaria i/b Motiwala & Co. for
plaintiff.

None for defendant.

**CORAM : Dr. D. Y. CHANDRACHUD,J.**

**DATE : AUGUST 18, 2006.**

**P.C.**

. The suit has been instituted by the Board of Trustees of the Port of Bombay for the recovery of Port Trust charges, in the amount of Rs.1,93,364.48 Ps. with further interest on the principal sum of Rs. 1,91,944.62 Ps.

2. The Defendant has been served with the writ of summons. No written statement has been filed.

3. The Defendant imported a consignment of 15 pieces of Seamless Steel Pipes in January 1983. The Cargo was discharged into the Docks at Bombay.The General Landing date and the Last Free day of the cargo was 27th January 1983 and 31st January, 1983. The Defendant was the importer/consignee/owner of the cargo. The

Defendant failed to clear the consignment by 21st August 1983. By a letter 30th August 1983 the Plaintiffs informed the Defendant that the cargo would be sold by public auction within ten days from the receipt of letter if the same was not cleared. The Defendant requested the Plaintiff to withdraw the cargo from auction. The Plaintiff by a letter dated 8th September 1983 called upon the Defendant to deposit an amount of Rs.15,000/-. The Plaintiff by its letter dated 24th November 1983 informed the Defendant that the cargo would be sold at a public auction on 15th December 1983 or thereafter. A further notice was issued on 20th February, 1984. The notice of auction was published in the Maharashtra Government Gazette dated 25th August, 1983 and in the newspapers. The cargo was sold for an amount of Rs. 1,01,440/-, resulting in a deficit of Rs. 2,10,594.91. The sale price was adjusted against the expenses of Sale, Customs Duty, Port Trust Charges, and I.T.C. fine. There has been a deficit of Rs. 1,91,944.62 Ps. towards the Port Trust Charges. Thereafter notices have been issued to the Defendant on 11th February 1987 and on 16th February 1987, to which there is no reply.

4. No written statement has been filed though the Defendant has been served.

5. The Plaintiff has filed an affidavit of documents together with the original documents, which have been tendered and taken on record.

6. The suit, in the circumstances stands decreed in the amount of Rs. 1,93,364.48 Ps. The Plaintiff would be entitled to further interest at the rate of 9% per annum, on the principal sum of Rs.1,91,944.62 Ps., from the date of institution of the suit until payment or realization, and to the costs of the suit, from the Defendant.

4. Refund of Court Fee, if any, be given as per rules.

**[ Dr. D. Y. CHDNDRACHUD, J.]**